



COUNTRY OF ORIGIN LABELING

LABELING AND MARKING REQUIREMENTS



Country of origin labeling and marking is used to clearly indicate to the consumer where a food product was made and provides consumers with additional information to use in making their purchasing decisions. Imported goods are subject to marking laws and regulations enforced by United States Customs and Border Protection (CBP). Specified food products are also subject to labeling laws and regulations enforced by United States Department of Agriculture (USDA). Some food products may be subject to the requirements of laws and regulations enforced by both agencies.

The CBP is authorized to enforce labeling requirements pursuant to the Tariff Act of 1930 and CPB regulations (19 USC 1304(a) and 19 CFR Part 134). The Tariff Act of 1930 requires that every article of foreign origin imported into the United States must be marked in a conspicuous place in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. Country of origin marking is used to clearly indicate to the ultimate purchaser of a product where the product was made.

The USDA, Agricultural Marketing Service (AMS) is responsible for enforcement of the Country of Origin Labeling (COOL) law which establishes labeling requirements for specific covered commodities. Regulations for all covered commodities are found in USDA regulations (7 CFR Part 60 and 7 CFR Part 65).

APPLICABILITY

Repackers of imported goods/food products are required by CBP to mark containers of repackaged imports with the English name of the country of origin. In the event that further reprocessing or material added to the food product in another country results in a "substantial transformation" of the product, the other country becomes the country of origin within the meaning of CBP's labeling requirements.

USDA's COOL labeling requirements apply to specified food products. COOL regulations refer to these food products as "covered commodities." Covered commodities contained in the law include:

- Muscle cut meats derived from beef, veal, pork, lamb, goat, and chicken
- Ground meats derived from beef, veal, pork, lamb, goat, and chicken
- Wild and farm-raised fish and shellfish
- Fresh and frozen fruits and vegetables
- Peanuts, pecans, and macadamia nuts
- Ginseng

COOL requires retailers to notify their customers with information regarding the source of certain foods. A "retailer" includes any person subject to be licensed as a retailer under the Perishable Agricultural Commodities Act (PACA).

COOL requires that suppliers must make information about the country of origin available to the purchaser and, if applicable, the method of production of the covered commodity. A supplier is

defined as any organization or person engaged in the business of supplying a covered commodity to a retailer either directly or indirectly.

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CBP, Marking requirements

Marking law requires that, unless exempted, every food product of foreign origin imported into the U.S. shall be marked with its country of origin. The Marking Rules (19 CFR Part 102) are used to determine the country of origin. Goods must be marked with the country of origin in English and must be marked in a conspicuous place legibly, indelibly, and sufficiently permanently to indicate to the ultimate purchaser the country of origin of the food product.

Generally, goods may be marked using any reasonable method, including stickers, labels, tags, or paint. The marking must be conspicuous, legible and sufficiently permanent to survive normal distribution and handling prior to sell to the consumer.

USDA, COOL requirements

COOL requires designated retailers to label covered commodities for country of origin and, in the case of fish and shellfish covered commodities, method of production. Additionally, muscle cut covered commodities derived from animals slaughtered in the United States are required to specify the production steps of birth, raising, and slaughter of the animal from which the meat is derived. In addition, COOL eliminates the allowance for commingling of muscle cut covered commodities of different origins.

- a) To convey the country of origin and method of production information, retailers may use a label, stamp, mark, placard or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers. This information may be typed, printed, or handwritten provided it is in conformance with other Federal labeling laws and does not obscure other labeling information required by Federal regulation. In addition, this information may be combined or listed separately and must be placed in a conspicuous location, so as to render it likely to be read and understood by a customer under normal conditions of purchase. Food service establishments, such as restaurants, cafeterias, food stands, and other similar facilities are exempt from these labeling requirements.
- b) Any person engaged in the business of supplying a covered commodity to a retailer, whether directly or indirectly, must make information available to the retailer or buyer about the country(ies) of origin and method of production (wild and/or farm-raised), if applicable, of the covered commodity. This information may be provided either on the product itself, on the master shipping container, or in a document that accompanies the product, provided that the document identifies the covered commodity and its country(ies) of origin and method of production, if applicable.
- c) Retailers (primarily grocery stores and supermarkets) are subject to the final rule and are required to identify country of origin information for covered commodities and, if applicable, the method of production available to consumers. Food service establishments (cafeterias, restaurants, etc.) are excluded from COOL requirements.

COOL is solely a domestic labeling law, exporters and products intended for export are not subject to its requirements.

REFERENCES

- Tariff Act of 1930 (19 U.S. Code Chapter 4)
- Country of Origin Marking (19 CFR 134)
- Final Rule to Amend Meat Labeling Provisions under Country of Origin Labeling
- COOL Regulations Fish and Shellfish (7 CFR Part 60)
- COOL Regulations All Covered Commodities (7 CFR Part 65)

ADDITIONAL INFORMATION

Additional information regarding Country of Origin labeling and marking requirements, labeling methods and options, and laws and regulations may be found at the links listed below.

- [U.S. Customs and Border Protection, Country of Origin Marking webpage](http://www.cbp.gov/trade/nafta/country-of-origin-marking)
(<http://www.cbp.gov/trade/nafta/country-of-origin-marking>)
- [USDA, Agricultural Marketing Service, Country of Origin Labeling webpage](http://www.ams.usda.gov/cool)
(<http://www.ams.usda.gov/cool>)